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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,663	02/04/2004	Hiroaki Hosokawa	4041J-000837	3587

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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,663

Applicant(s)

HOSOKAWA, HIROAKI

Examiner

Ljiljana (Lil) V. Ciric

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006 and 30 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040805</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the fourth species or the embodiment of Figure 7, readable on claims 1, 2, 6, and 8 through 10 in the reply filed on May 30, 2006 is acknowledged. [As noted by applicant in the 7 reply filed on September 14, 2006, the second election/restriction requirement mailed on August 14, 2006 was in error and was intended for a different application].
2. Claims 3 through 5 and 7 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 30, 2006.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. The abstract of the disclosure is objected to because the last sentence thereof describes the purported merits of the inventive apparatus. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 1, 2, 6, and 7 through 10 are objected to because of the following informalities: "a refrigerant cycle equipment" [claim 1, lines 2-3] should be replaced with "refrigerant cycle equipment" for improved grammatical correctness. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1, 2, 6, and 8 through 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of base claim 1 as written first recites “a refrigerant cycle equipment” provided in the engine compartment of the vehicle, then recites an evaporator (which is inherently part of a refrigerant cycle) as being “disposed in an air conditioning unit” that is provided in the passenger compartment. The preamble is confusing as written because a vehicular refrigerant cycle generally is the same as the air conditioning unit of the vehicle. Using two different terms (“refrigerant cycle equipment”, “air conditioning unit”) for the same system renders base claim 1 and all claims depending therefrom indefinite with regard to the scope of protection sought. Recommend deleting “in an air conditioning unit that is provided in” from the preamble for improved clarity.

In base claim 1 as written, the limitations “a front side member of a vehicle body, *disposed at one side in a vehicle lateral direction on a lower side of the engine compartment*, the front side member extending in a vehicle front-rear direction” are not clear. In particular, it is not clear whether the italicized limitations refer to the front side member or to the vehicle body or to some other element(s) inadvertently omitted from the limitations as written. This renders claim 1 and all claims depending therefrom indefinite with regard to the scope of protection sought. If the italicized limitations refer to the front side member, recommend inserting “the front side member” immediately preceding “disposed at one side”, for example.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. As best can be understood in view of the indefiniteness of the claims, claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunzinger.

Hunzinger discloses a vehicular refrigerant cycle system essentially as claimed, including, for example: refrigerant cycle equipment (i.e., condenser 20 and compressor 18) provided within an engine compartment 14 of the vehicle; an evaporator 16 disposed in the passenger compartment 12; piping structure including a refrigerant pipe including pipe sections 38, 40, 36, and 34 through which refrigerant flows between the refrigerant cycle equipment and the evaporator 16. Pipe section 40 is readable on the suction tube and pipe section 36 is readable on the liquid tube as recited in claim 2 of the instant application. Figure 2 shows the pipe sections as penetrating the fire wall 10 between the passenger compartment 12 and the engine compartment 14, with the fire wall running in a vehicle left-right direction. As broadly interpreted as required, the pipe sections 38, 40, 36, and 34 thus inherently run generally parallel to or along a front side member of the vehicle body which surrounds the passenger compartment 12 and the engine compartment 14.

The reference thus reads on the claims.

Allowable Subject Matter

10. Claims 6 and 8 through 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ljiljana (Lil) V. Ciric
Primary Examiner
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